

February 6, 2003

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth St., S.W.  
Washington, D.C. 20554

**Re: CC Docket no. 01-92, Sprint PCS Petition for Declaratory Ruling**

Dear Ms. Dortch:

On February 4<sup>th</sup>, I was invited to deliver an *ex parte* presentation to Joe Levin, Peter Trachtenberg, Steve Morris, and Victoria Schlesinger of the Commission. My colleague in Bellevue, Washington, Ron Williams, joined us by conference call.

We made the following points in response to staff's' questions:

- Reviewed the background of the Oklahoma arbitration case that dealt with the use of separate rating and routing points. Western explained that the Oklahoma arbitrator made the ruling consistent with Communications Act and based on the evidence submitted. Although these arbitrated agreements are in effect, Western has not ordered or implemented any separate rating and routing for NXXs in rural telco Totah's service area (or anywhere in Oklahoma, as yet). In addition to the arbitrated agreements in Oklahoma, Western has several negotiated agreements with LECs that support this type of arrangement and which apply reciprocal compensation to the traffic exchanged over 'separate rating and routing points'.
- The purpose for Western to seek separate rating and routing is to achieve a more efficient means of interconnection in small markets. The efficiency is achieved for both the telco and the CMRS provider by using existing shared trunking facilities between the telco and the LATA tandem. High volume traffic routes may warrant dedicated facilities, but most routes in rural areas do not. CMRS traffic into and out of small markets seldom justifies investment in dedicated facilities by either the LEC or the CMRS provider. Establishing a

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new number block, with separate rating and routing points, that uses existing shared facilities to transit the LATA tandem, can provide a more efficient means of implementing local landline calling to the new number block.

- The ability to minimize interconnection costs in rural areas enables Western to expand the availability of numbers that are local to small markets and thereby improve the service choices available in that market. In many rural areas, CMRS providers are the only facilities-based competitive alternative.

- Western would seek to implement separate rating and routing points only in areas where it is licensed to provide service and has built local network coverage for customer access. It is Western's experience that the vast majority of customers want cellular numbers that are local to their specific community of interest; which is typically where they live and/or work.

- An alternative to separate rating and routing points would be for the LECs to recognize that calls to a CMRS customer that originate and terminate within the MTA should be routed as local calls. This would enable landline callers to access existing CMRS phones and number blocks that have a rate center within the MTA but which may be outside a given LEC serving area.

If you have any questions, then please contact me at 202-654-5903.

Respectfully submitted,

Mark Rubin  
Director of Federal Government Affairs  
Western Wireless Corp.